

Minority Leader of the United States Senate, the Speaker, Majority Leader, and Minority Leader of the United States House of Representatives, and to members of the Illinois and Iowa congressional delegations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG:

S. 2493. A bill to amend the Internal Revenue Code of 1986 to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 2494. A bill to amend title 38, United States Code, to provide compensation and benefits to children of female Vietnam veterans who were born with certain birth defects, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BREAUX:

S. 2495. A bill to suspend temporarily the duty on stainless steel rail car body shells; to the Committee on Finance.

By Mr. BREAUX:

S. 2496. A bill to suspend temporarily the duty on stainless steel rail car body shells; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. LIEBERMAN):

S. 2497. A bill to provide for the development, use, and enforcement of an easily recognizable system in plain English for labeling violent content in audio and visual media products and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN (for himself, Mr. COCHRAN, and Mr. FRIST):

S. 2498. A bill to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 2493. A bill to amend the Internal Revenue Code of 1986 to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Finance.

TOBACCO SMUGGLING ERADICATION ACT OF 2000

Mr. LAUTENBERG. Mr. President, I rise today to introduce the Tobacco Smuggling Eradication Act.

When Congress last debated tobacco legislation, Big Tobacco raised the specter of rampant smuggling to defeat the legislation. Of course, the public only found out recently that Big Tobacco itself is a major player in the smuggling game. A tobacco company executive recently pleaded guilty to money laundering charges in a case involving nearly \$700 million worth of cigarettes on the Canadian black market. Although the company denies

knowledge of the scheme, they clearly profited from it.

The best way to address smuggling concerns is to prevent any large-scale smuggling problem from arising in the first place. The Tobacco Smuggling Eradication Act contains several common-sense provisions to combat smuggling of tobacco products, and associated tax evasion.

The bill will require unique serial numbers on all tobacco product packages manufactured or imported into the United States, and will require all packages bound for export to be marked for export. Under current law, export-bound products that re-enter the U.S. too often avoid tax assessment, and are sold at discount, in competition with products on which taxes have been paid. Likewise, re-imported products under current law often evade counting for purposes of the multi-state settlement, and thus cheat Americans twice—once in avoidance of tax, and again in avoidance of MSA assessment.

The bill would require retailers to maintain tobacco-related records, which may consist simply of ordinary business records. This provision would ensure that invoices for tax-paid tobacco products match sales, and that the retailer is not an outlet for product on which tax has not been paid.

The bill also would require wholesalers to keep records on the chain of custody of tobacco products. This requirement already exists for manufacturers, exporters, and importers. This requirement needs to be strengthened in order to ensure that product marked for export is not diverted back into the domestic market without appropriate taxes having been collected.

In addition, the bill would amend the Contraband Cigarette Trafficking Act, which assists states in enforcing and collecting their excise taxes, by lowering the threshold of jurisdiction to 30,000 cigarettes (from 60,000) and expanding it to cover other tobacco products. Federal law should ensure that states have the necessary tools to stop interstate bootleggers who routinely move tons of tobacco products from low-tax states to higher-tax states.

Mr. President, this is important legislation which would crack down on bootleggers and black marketeers. I urge my colleagues to support this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tobacco Smuggling Eradication Act of 2000".

TITLE I—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

SEC. 101. AMENDMENT OF 1986 CODE.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 102. IMPROVED MARKING AND LABELING.

(a) IN GENERAL.—Subsection (b) of section 5723 (relating to marks, labels, and notices) is amended—

(1) by striking "if any," and

(2) by adding at the end the following: "Such marks, labels, and notices shall include marks and notices relating to the following:

"(1) IDENTIFICATION.—The Secretary shall promulgate regulations that require each manufacturer or importer of tobacco products to legibly print a unique serial number on all packages of tobacco products manufactured or imported for sale or distribution. Such serial number shall be designed to enable the Secretary to identify the manufacturer or importer of the product, and the location and date of manufacture or importation. The Secretary shall determine the size and location of the serial number.

"(2) MARKING REQUIREMENTS FOR EXPORTS.—Each package of a tobacco product that is exported shall be marked for export from the United States. The Secretary shall promulgate regulations to determine the size and location of the mark and under what circumstances a waiver of this paragraph shall be granted."

(b) SALES ON INDIAN RESERVATIONS.—Section 5723 is amended by adding at the end the following new subsections:

"(f) SALES ON INDIAN RESERVATIONS.—The Secretary, in consultation with the Secretary of the Interior, shall promulgate regulations that require that each package of a tobacco product that is sold on an Indian reservation (as defined in section 403(9) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(9)) be labeled as such. Such regulations shall include requirements for the size and location of the label.

"(g) DEFINITION OF PACKAGE.—For purposes of this section, the term 'package' means the innermost sealed container irrespective of the material from which such container is made, in which a tobacco product is placed by the manufacturer and in which such tobacco product is offered for sale to a member of the general public."

SEC. 103. WHOLESALE REQUIRED TO HAVE PERMIT.

Section 5712 (relating to application for permit) is amended by inserting "wholesaler," after "manufacturer".

SEC. 104. CONDITIONS OF PERMIT.

Subsection (a) of section 5713 (relating to issuance of permit) is amended to read as follows:

"(a) ISSUANCE.—

"(1) IN GENERAL.—A person shall not engage in business as a manufacturer, wholesaler, or importer of tobacco products or as an export warehouse proprietor without a permit to engage in such business. Such permit shall be issued in such form and in such manner as the Secretary shall by regulation prescribe, to every person properly qualified under sections 5711 and 5712. A new permit may be required at such other time as the Secretary shall by regulation prescribe.

"(2) CONDITIONS.—The issuance of a permit under this section shall be conditioned upon

the compliance with the requirements of this chapter and the Contraband Cigarette Trafficking Act (28 U.S.C. chapter 114), and any regulations issued pursuant to such statutes.”.

SEC. 105. RECORDS TO BE MAINTAINED.

Section 5741 (relating to records to be maintained) is amended—

(1) by inserting “(a) IN GENERAL.—” before “Every manufacturer”;

(2) by inserting “every wholesaler,” after “every importer,”;

(3) by striking “such records” and inserting “records concerning the chain of custody of the tobacco products and such other records”, and

(4) by adding at the end the following new subsection:

“(b) RETAILERS.—Retailers shall maintain records of receipt of tobacco products, and such records shall be available to the Secretary for inspection and audit. An ordinary commercial record or invoice shall satisfy the requirements of this subsection if such record shows the date of receipt, from whom tobacco products were received, and the quantity of tobacco products received.”.

SEC. 106. REPORTS.

Section 5722 (relating to reports) is amended—

(1) by inserting “(a) IN GENERAL.—” before “Every manufacturer”, and

(2) by adding at the end the following new subsection:

“(b) REPORTS BY EXPORT WAREHOUSE PROPRIETORS.—

“(1) IN GENERAL.—Prior to exportation of tobacco products from the United States, the export warehouse proprietor shall submit a report (in such manner and form as the Secretary may by regulation prescribe) to enable the Secretary to identify the shipment and assure that it reaches its intended destination.

“(2) AGREEMENTS WITH FOREIGN GOVERNMENTS.—Notwithstanding section 6103 of this title, the Secretary is authorized to enter into agreements with foreign governments to exchange or share information contained in reports received from export warehouse proprietors of tobacco products if—

“(A) the Secretary believes that such agreement will assist in—

“(i) ensuring compliance with the provisions of this chapter or regulations promulgated thereunder, or

“(ii) preventing or detecting violations of the provisions of this chapter or regulations promulgated thereunder, and

“(B) the Secretary obtains assurances from such government that the information will be held in confidence and used only for the purposes specified in clauses (i) and (ii) of subparagraph (A).

No information may be exchanged or shared with any government that has violated such assurances.”.

SEC. 107. FRAUDULENT OFFENSES.

(a) IN GENERAL.—Subsection (a) of section 5762 (relating to fraudulent offenses) is amended by striking paragraph (1) and redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(b) OFFENSES RELATING TO DISTRIBUTION OF TOBACCO PRODUCTS.—Section 5762 is amended—

(1) by redesignating subsection (b) as subsection (c),

(2) in subsection (c) (as so redesignated), by inserting “or (b)” after “(a)”, and

(3) by inserting after subsection (a) the following new subsection:

“(b) OFFENSES RELATING TO DISTRIBUTION OF TOBACCO PRODUCTS.—It shall be unlawful—

“(1) for any person to engage in the business as a manufacturer or importer of tobacco products or cigarette papers and tubes, or to engage in the business as a wholesaler or an export warehouse proprietor, without filing the bond and obtaining the permit where required by this chapter or regulations thereunder;

“(2) for an importer, manufacturer, or wholesaler permitted under this chapter intentionally to ship, transport, deliver, or receive any tobacco products from or to any person other than a person permitted under this chapter or a retailer, except a permitted importer may receive foreign tobacco products from a foreign manufacturer or a foreign distributor that have not previously entered the United States;

“(3) for any person, except a manufacturer or an export warehouse proprietor permitted under this chapter to receive any tobacco products that have previously been exported and returned to the United States;

“(4) for any export warehouse proprietor intentionally to ship, transport, sell, or deliver for sale any tobacco products to any person other than a permitted manufacturer or foreign purchaser;

“(5) for any person other than an export warehouse proprietor permitted under this chapter intentionally to ship, transport, receive, or possess, for purposes of resale, any tobacco product in packages marked pursuant to regulations issued under section 5723, other than for direct return to a manufacturer or export warehouse proprietor for repackaging or for re-exportation;

“(6) for any manufacturer, export warehouse proprietor, importer, or wholesaler permitted under this chapter to make intentionally any false entry in, to fail willfully to make appropriate entry in, or to fail willfully to maintain properly any record or report that such person is required to keep as required by this chapter or the regulations promulgated thereunder; and

“(7) for any person to alter, mutilate, destroy, obliterate, or remove any mark or label required under this chapter upon a tobacco product held for sale, except pursuant to regulations of the Secretary authorizing relabeling for purposes of compliance with the requirements of this section or of State law.”

Any person violating any of the provisions of this subsection shall, upon conviction, be fined as provided in section 3571 of title 18, United States Code, imprisoned for not more than 5 years, or both.”.

(c) INTENTIONALLY DEFINED.—Section 5762 is amended by adding at the end the following:

“(d) DEFINITION OF INTENTIONALLY.—For purposes of this section and section 5761, the term ‘intentionally’ means doing an act, or omitting to do an act, deliberately, and not due to accident, inadvertence, or mistake, regardless of whether the person knew that the act or omission constituted an offense.”.

SEC. 108. CIVIL PENALTIES.

Subsection (a) of section 5761 (relating to civil penalties) is amended—

(1) by striking “willfully” and inserting “intentionally”, and

(2) by striking “\$1,000” and inserting “\$10,000”.

SEC. 109. DEFINITIONS.

(a) EXPORT WAREHOUSE PROPRIETOR.—Subsection (j) of section 5702 (relating to definition of export warehouse proprietor) is amended by inserting before the period the following: “or any person engaged in the business of exporting tobacco products from the United States for purposes of sale or dis-

tribution. Any duty free store that sells, offers for sale, or otherwise distributes to any person in any single transaction more than 30 packages of cigarettes, or its equivalent for other tobacco products as the Secretary shall by regulation prescribe, shall be deemed an export warehouse proprietor under this chapter”.

(b) RETAILER; WHOLESALER.—Section 5702 is amended by adding at the end the following:

“(q) RETAILER.—The term ‘retailer’ means any dealer who sells, or offers for sale, any tobacco product at retail. The term ‘retailer’ includes any duty-free store that sells, offers for sale, or otherwise distributes at retail in any single transaction 30 or less packages, or its equivalent for other tobacco products.

“(r) WHOLESALER.—The term ‘wholesaler’ means any person engaged in the business of purchasing tobacco products for resale at wholesale, or any person acting as an agent or broker for any person engaged in the business of purchasing tobacco products for resale at wholesale.”.

SEC. 110. EFFECTIVE DATE.

The amendments made by this title shall take effect on January 1, 2000.

TITLE II—AMENDMENTS TO THE CONTRABAND CIGARETTE TRAFFICKING ACT

SEC. 201. AMENDMENTS TO THE CONTRABAND CIGARETTE TRAFFICKING ACT.

(a) DEFINITIONS.—Section 2341 of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “60,000” and inserting “30,000”;

(2) in paragraph (4), by striking “and” at the end;

(3) in paragraph (5), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

“(6) the term ‘tobacco product’ means cigars, cigarettes, smokeless tobacco, and pipe tobacco (as such terms are defined in section 5701 of the Internal Revenue Code of 1986); and

“(7) the term ‘contraband tobacco product’ means a quantity of tobacco product that is equivalent to or more than 30,000 cigarettes as determined by regulation, which bear no evidence of the payment of applicable State tobacco taxes in the State where such tobacco products are found, if such State requires a stamp, impression, or other indication to be placed on packages or other containers of product to evidence payment of tobacco taxes.

(b) UNLAWFUL ACTS.—Section 2342 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting “or contraband tobacco products” before the period;

(2) by striking subsection (b) and inserting the following:

“(b) It shall be unlawful for any person—

“(1) knowingly to make any false statement or representation with respect to the information required by this chapter to be kept in the records or reports of any person who ships, sells, or distributes any quantity of cigarettes in excess of 30,000 in a single transaction or tobacco products in such equivalent quantities as shall be determined by regulation, or

“(2) knowingly to fail to maintain records or reports, alter or obliterate required markings, or interfere with any inspection, required under this chapter, with respect to such quantity of cigarettes or other tobacco products.”; and

(3) by adding at the end the following:

“(c) It shall be unlawful for any person knowingly to transport tobacco products under a false bill of lading or without any bill of lading.”.

(c) RECORDKEEPING.—Section 2343 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting after “transaction” the following: “, or, in the case of other tobacco products an equivalent quantity as determined by regulation,”;

(B) by striking “60,000” and inserting “30,000”; and

(C) by striking the last sentence and inserting the following: “Except as provided in subsection (c) of this section, nothing contained herein shall authorize the Secretary to require reporting under this section.”;

(2) in subsection (b)—

(A) by striking “60,000” and inserting “30,000”; and

(B) by inserting after “transaction” the following: “, or, in the case of other tobacco products an equivalent quantity as determined by regulation,”; and

(3) by adding at the end the following:

“(c)(1) Any person who ships, sells, or distributes cigarettes or tobacco products for resale in interstate commerce, whereby such cigarettes or tobacco products are shipped into a State taxing the sale or use of such cigarettes or tobacco products or who advertises or offers cigarettes or tobacco products for such sale or transfer and shipment shall—

“(A) first file with the tobacco tax administrator of the State into which such shipment is made or in which such advertisement or offer is disseminated, a statement setting for the person’s name, and trade name (if any), and the address of the person’s principal place of business and of any other place of business; and

“(B) not later than the 10th of each calendar month, file with the tobacco tax administrator of the State into which such shipment is made a memorandum or a copy of the invoice covering each and every shipment of cigarettes or tobacco products made during the previous calendar month into such State; the memorandum or invoice in each case to include the name and address of the person to whom the shipment was made, the brand, and the quantity thereof.

“(2) The fact that any person ships or delivers for shipment any cigarettes or tobacco products shall, if such shipment is into a State in which such person has filed a statement with the tobacco tax administrator under paragraph (1)(A) of this subsection, be presumptive evidence that such cigarettes or tobacco products were sold, shipped, or distributed for resale by such person.

“(3) For purposes of this subsection—

“(A) the term ‘use’ in addition to its ordinary meaning, means consumption, storage, handling, or disposal of cigarettes or tobacco products; and

“(B) the term ‘tobacco tax administrator’ means the State official authorized to administer tobacco tax laws of the State.”.

(d) PENALTIES.—Section 2344 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting “or (c)” after “section 2342(b)”;

(2) in subsection (c), by inserting “or contraband tobacco products” after “cigarettes”.

(e) STATE JURISDICTION NOT AFFECTED.—Section 2345 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “or tobacco product” after “cigarette”; and

(B) by inserting “, tobacco products,” after “cigarettes”; and

(2) in subsection (b)—

(A) by inserting “or tobacco product” after “cigarette”; and

(B) by inserting “, tobacco products,” after “cigarettes”.

(f) REPEAL.—The Act entitled “An Act to assist States in collecting sales and use taxes on cigarettes”, approved October 19, 1949 (15 U.S.C. 375 et seq.) is repealed.

(g) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by striking “or 1344” and inserting “1344, or 2344”.

By Mr. ROCKEFELLER:

S. 2494. A bill to amend title 38, United States Code, to provide compensation and benefits to children of female Vietnam veterans who were born with certain birth defects, and for other purposes; to the Committee on Veterans’ Affairs.

CHILDREN OF FEMALE VIETNAM VETERANS’
BENEFITS ACT OF 2000

Mr. ROCKEFELLER. Mr. President, I introduce, on behalf of myself and Senator MURRAY, legislation that would aid the children born with birth defects to female Vietnam veterans. This legislation, the Children of Female Vietnam Veterans’ Benefits Act of 2000, is long overdue. As we commemorate the 25th anniversary of the end of the war, it is a particularly appropriate time for passage of this important legislation.

Women played a critical role in Vietnam. As nurses, they provided life-saving care to the wounded and comfort to the dying. Their compassion and selflessness is legendary. Others served in countless other ways, as clerks, mapmakers, photographers, air traffic controllers, Red Cross and USO workers, and other volunteer roles. Their support was crucial to the war effort.

Last year, the VA completed study on women Vietnam veterans which concluded that there was a “statistically significant increase in birth defects” in their children. VA generally does not have the legal authority to provide health care and compensation to the children of veterans, except in the case of spina bifida.

The legislation we are sponsoring would apply to children of women Vietnam veterans born with birth defects, other than spina bifida, which resulted in permanent physical or mental disability, except for certain birth defects determined by the Secretary of Veterans Affairs to result from genetics, birth injury, or fetal or neonatal infirmities with well-established causes. The benefits would include health care, vocational rehabilitation services, and financial compensation, depending on the degree of disability.

In closing, I emphasize that the health care and benefits provided by the Department of Veterans Affairs play a crucial role in supporting the healing process I spoke of earlier. While no amount of remuneration can ever truly compensate for bodily injury and emotional trauma, we have the responsibility to provide the tools for coping and to ease the difficulties of

daily life. I urge my colleagues to support this measure.

This bill will provide health care and compensation to the children of women Vietnam veterans who were born with permanently disabling birth defects. Though they have waited 25 years for this acknowledgment, this legislation has the ability to significantly improve the lives of women veterans and their disabled children. These women and children have endured incredible and ongoing hardships for this country, and their significance must be realized. We can no longer ignore the responsibility the government owes to women veterans.

This bill has its origin in a study the Department of Veterans Affairs did on women Vietnam veterans. In response to the concerns of many women Vietnam Veterans, Congress required that VA perform a comprehensive study of any long-term adverse health effects that may have been suffered by these women. This mandate led to three separate but related epidemiologic studies of women Vietnam-era veterans: 1) a post Vietnam service mortality follow-up; 2) an assessment of psychologic health outcomes; and 3) a review of reproductive health outcomes. This particular study, released in 1999, analyzed the reproductive outcomes of over 4000 women Vietnam veterans, compared with 4000 women Vietnam-era veterans.

The study revealed that the risk of a woman Vietnam veterans having a child with birth defects was significantly elevated, even after adjusting for age, demographic variables, military characteristics, and smoking and alcohol consumption of the mothers. Upon review of the resulting conclusions, the VA study’s task force recommended that the Secretary seek statutory authority to provide health care and other benefits to the offspring of women veterans with birth defects. Secretary West approved of this recommendation. The tragic realization of the birth defects present in so many of the children of women Vietnam veterans brings light to a situation that cries out not only for our sympathy, but for an acceptance of governmental responsibility and action.

VA does not have the authority under current law to provide health care or other benefits to the children of women Vietnam veterans disabled from birth defects other than spina bifida. Thus, the enabling legislation that I introduce today is absolutely necessary in order to address the compelling needs of these children.

Currently, VA has the authority to compensate and aid veterans, and the dependents of these veterans, for disease or injury to the veteran due to service. Millions of veterans, from every branch of the Armed Forces, have been helped by this benefit. These small amounts of compensation can in no way fully redress the physical and

psychological injuries that war has caused these veterans, their children, and their spouses. But it does serve to assist these veterans to live active and fulfilled lives, and it would assist with making up for lost income over the years, due to the injuries. However, no benefits have been extended to the children of veterans, for their own harm.

In 1996, VA was given special authority to provide benefits and compensation to the children of Vietnam veterans for their own disease associated with their parent's service—for those children born with spina bifida. The legislation I am introducing today is modeled after that ground breaking spina bifida legislation. We owe that same debt to the children born with birth defects to women Vietnam veterans. My cosponsors and I believe that providing this assistance to children disabled by birth defects associated with their mother's military service would be a fitting extension of the principle of providing benefits for disabilities that are incurred or aggravated as a result of service on active duty in the Armed Forces of the United States.

I am seeking to aid the children of women Vietnam veterans who have been tragically affected by birth defects. These women fought for their country, and served this Nation with honor and courage. They volunteered to be placed in harm's way, without knowledge of what effects their service may bring later. Many were nurses who cared for wounded soldiers, and offered enormously important support services to all those in active duty. Indeed, these women provided such an incredible nursing service to injured soldiers that less than 2% of all treated casualties during the war died. These women saw death and disease, and they experienced their own forms of disillusionment with the war. These women fought on the front lines; they were not kept away in safe places during the conflict.

Further, I want to add that these women performed a service for women who have been in any way involved in the Armed Forces since then, by contributing to the changes in the military structure of the 1970s and since. Women performed critically important roles during the Vietnam war. Their ongoing contributions were recognized as altogether essential. Disastrously, some of their children have suffered because their mothers were so courageous, and it is time for them to begin to be repaid for that suffering.

Though long overdue perhaps, now is a particularly appropriate time for passage of this important legislation. As we celebrate the 25th anniversary of the end of the Vietnam War, we must remember the women Vietnam veterans who served this country so well, all those years ago. These women paid

for their service not only with their own bodies, but too often with the bodies of their children who were born years later. It is my opinion that this legislation is late in coming, but there is no time like the present. As we take these recent months to remember the Vietnam War, I can think of no more fitting time than this for this bill. After all, though the fighting in Vietnam came to an end 25 years ago, the consequences of that fighting are still dramatically present.

At the heart of this legislation, this bill would apply to children of women Vietnam veterans born with birth defects, other than spina bifida, which resulted in permanent physical or mental disability, except for birth defects determined by the Secretary of Veterans' Affairs to result from familial disorders, birth-related injuries, or fetal or neonatal infirmities with well-established causes.

The legislation authorizes VA to provide or reimburse a contractor for health care delivered to the disabled children for the birth defect and associated conditions. This health care would include home, hospital, nursing home, outpatient, preventative, habilitative, rehabilitative and respite care. It also includes pharmaceuticals and supplies required by the birth defect, such as wheelchairs, if appropriate.

The legislation also provides compensation from the VA to the children at four payment levels. The benefits would be for \$100, \$214, \$743, and \$1,272, per month, depending upon the severity of the child's disability. Future cost-of-living adjustments would be based on the Consumer Price Index, just as other veterans and Social Security benefits are adjusted.

This bill also authorizes VA to furnish the disabled children with important vocational rehabilitation services. The services would include: VA design of a training plan that is individually designed, accounting for the individual needs of the child; placement and post-placement services, personal and work adjustment training. It may also include education at an institution of higher learning. The programs would generally run 24 months, but if necessary, the Secretary may extend the program for an additional 24 months.

This legislation would be effective one year after the date of enactment, in order to allow time for regulations to be established. VA estimates that the costs for this legislation would be approximately \$25 million over five years.

In conclusion, I believe that we must help the children born with disabling birth defects associated with their mother's service in Vietnam. It is the logical extension of our policy to provide benefits for disabilities that result from service. It's the compassionate thing to do—to ensure that these children have the health care and other

benefits they need to survive. As a nation, it is our unwavering responsibility to deal with all the consequences of war, not just the easy and obvious ones.

Mr. President, I ask unanimous consent that the bill fact sheet be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children of Female Vietnam Veterans' Benefits Act of 2000".

SEC. 2. BENEFITS FOR THE CHILDREN OF FEMALE VIETNAM VETERANS WHO SUFFER FROM CERTAIN BIRTH DEFECTS.

(a) IN GENERAL.—Chapter 18 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER II—CHILDREN OF FEMALE VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

"§ 1811. Definitions

"In this subchapter:

"(1) The term 'child', with respect to a female Vietnam veteran, means a natural child of the female Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the female Vietnam veteran first entered the Republic of Vietnam during the Vietnam era (as specified in section 101(29)(A) of this title).

"(2) The term 'covered birth defect' means each birth defect identified by the Secretary under section 1812 of this title.

"(3) The term 'female Vietnam veteran' means any female individual who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era (as so specified), without regard to the characterization of the individual's service.

"§ 1812. Birth defects covered

"(a) IDENTIFICATION.—Subject to subsection (b), the Secretary shall identify the birth defects of children of female Vietnam veterans that—

"(1) are associated with the service of female Vietnam veterans in the Republic of Vietnam during the Vietnam era (as specified in section 101(29)(A) of this title); and

"(2) result in the permanent physical or mental disability of such children.

"(b) LIMITATIONS.—(1) The birth defects identified under subsection (a) may not include birth defects resulting from the following:

"(A) A familial disorder.

"(B) A birth-related injury.

"(C) A fetal or neonatal infirmity with well-established causes.

"(2) The birth defects identified under subsection (a) may not include spina bifida.

"(c) LIST.—The Secretary shall prescribe in regulations a list of the birth defects identified under subsection (a).

"§ 1813. Benefits and assistance

"(a) HEALTH CARE.—(1) The Secretary shall provide a child of a female Vietnam veteran who was born with a covered birth defect such health care as the Secretary determines is needed by the child for such birth defect or any disability that is associated with such birth defect.

"(2) The Secretary may provide health care under this subsection directly or by contract

or other arrangement with a health care provider.

“(3) For purposes of this subsection, the definitions in section 1803(c) of this title shall apply with respect to the provision of health care under this subsection, except that for such purposes—

“(A) the reference to ‘specialized spina bifida clinic’ in paragraph (2) of such section 1803(c) shall be treated as a reference to a specialized clinic treating the birth defect concerned under this subsection; and

“(B) the reference to ‘vocational training under section 1804 of this title’ in paragraph (8) of such section 1803(c) shall be treated as a reference to vocational training under subsection (b).

“(b) VOCATIONAL TRAINING.—(1) The Secretary may provide a program of vocational training to a child of a female Vietnam veteran who was born with a covered birth defect if the Secretary determines that the achievement of a vocational goal by the child is reasonably feasible.

“(2) Subsections (b) through (e) of section 1804 of this title shall apply with respect to any program of vocational training provided under paragraph (1).

“(c) MONETARY ALLOWANCE.—(1) The Secretary shall pay a monthly allowance to any child of a female Vietnam veteran who was born with a covered birth defect for any disability resulting from such birth defect.

“(2) The amount of the monthly allowance paid under this subsection shall be based on the degree of disability suffered by the child concerned, as determined in accordance with a schedule for rating disabilities resulting from covered birth defects that is prescribed by the Secretary.

“(3) In prescribing a schedule for rating disabilities under paragraph (2), the Secretary shall establish four levels of disability upon which the amount of the monthly allowance under this subsection shall be based.

“(4) The amount of the monthly allowance paid under this subsection shall be as follows:

“(A) In the case of a child suffering from the lowest level of disability prescribed in the schedule for rating disabilities under this subsection, \$100.

“(B) In the case of a child suffering from the lower intermediate level of disability prescribed in the schedule for rating disabilities under this subsection, the greater of—

“(i) \$214; or

“(ii) the monthly amount payable under section 1805(b)(3) of this title for the lowest level of disability prescribed for purposes of that section.

“(C) In the case of a child suffering from the higher intermediate level of disability prescribed in the schedule for rating disabilities under this subsection, the greater of—

“(i) \$743; or

“(ii) the monthly amount payable under section 1805(b)(3) of this title for the intermediate level of disability prescribed for purposes of that section.

“(D) In the case of a child suffering from the highest level of disability prescribed in the schedule for rating disabilities under this subsection, the greater of—

“(i) \$1,272; or

“(ii) the monthly amount payable under section 1805(b)(3) of this title for the highest level of disability prescribed for purposes of that section.

“(5) Amounts under subparagraphs (A), (B)(i), (C)(i), and (D)(i) of paragraph (4) shall be subject to adjustment from time to time under section 5312 of this title.

“(6) Subsections (c) and (d) of section 1805 of this title shall apply with respect to any

monthly allowance paid under this subsection.

“(d) GENERAL LIMITATIONS ON AVAILABILITY OF BENEFITS AND ASSISTANCE.—(1) No individual receiving benefits or assistance under this section may receive any benefits or assistance under subchapter I of this chapter.

“(2) In any case where affirmative evidence establishes that the covered birth defect of a child results from a cause other than the active military, naval, or air service in the Republic of Vietnam of the female Vietnam veteran who is the mother of the child, no benefits or assistance may be provided the child under this section.

“(e) REGULATIONS.—The Secretary shall prescribe regulations for purposes of the administration of the provisions of this section.”

(b) ADMINISTRATIVE PROVISIONS.—That chapter is further amended by inserting after subchapter II, as added by subsection (a) of this section, the following new subchapter:

“SUBCHAPTER III—ADMINISTRATIVE MATTERS

“§ 1821. Applicability of certain administrative provisions

“The provisions of sections 5101(c), 5110(a), (b)(2), (g), and (i), 5111, and 5112(a), (b)(1), (b)(6), (b)(9), and (b)(10) of this title shall apply with respect to benefits and assistance under this chapter in the same manner as such provisions apply to veterans’ disability compensation.

“§ 1822. Treatment of receipt of monetary allowance on other benefits

“(a) Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of the individual to receive any other benefit to which the individual is otherwise entitled under any law administered by the Secretary.

“(b) Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of any other individual to receive any benefit to which such other individual is entitled under any law administered by the Secretary based on the relationship of such other individual to the individual who receives such monetary allowance.

“(c) Notwithstanding any other provision of law, a monetary allowance paid an individual under this chapter shall not be considered as income or resources in determining eligibility for or the amount of benefits under any Federal or Federally-assisted program.”

(c) REPEAL OF SUPERSEDED MATTER.—Section 1806 of title 38, United States Code, is repealed.

(d) REDESIGNATION OF EXISTING MATTER.—Chapter 18 of that title is further amended by inserting before section 1801 the following:

“SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA”

(e) CONFORMING AMENDMENTS.—(1) Sections 1801 and 1802 of that title are each amended by striking “this chapter” and inserting “this subchapter”.

(2) Section 1805(a) of such title is amended by striking “this chapter” and inserting “this section”.

(e) CLERICAL AMENDMENTS.—(1)(A) The chapter heading of chapter 18 of that title is amended to read as follows:

“CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS”

(B) The tables of chapters at beginning of that title, and at the beginning of part II of

that title, are each amended by striking the item relating to chapter 18 and inserting the following new item:

“18. Benefits for Children of Vietnam Veterans 1801”

(2) The table of sections at the beginning of chapter 18 of that title is amended—

(A) by inserting after the chapter heading the following:

“SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA”

(B) by striking the item relating to section 1806; and

(C) by adding at the end the following:

“SUBCHAPTER II—CHILDREN OF FEMALE VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

“1811. Definitions.

“1812. Birth defects covered.

“1813. Benefits and assistance.

“SUBCHAPTER III—ADMINISTRATIVE MATTERS

“1821. Applicability of certain administrative provisions.

“1822. Treatment of receipt of monetary allowance on other benefits.”

(f) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning more than one year after the date of the enactment of this Act.

(2) The Secretary of Veterans Affairs shall identify birth defects under section 1822 of title 38, United States Code (as added by subsection (a) of this section), and shall prescribe the regulations required by subchapter II of that title (as so added), not later than the effective date specified in paragraph (1).

(3) No benefit or assistance may be provided under subchapter II of chapter 18 of title 38, United States Code (as so added), for any period before the effective date specified in paragraph (1) by reason of the amendments made by this section.

FACT SHEET

BACKGROUND

In 1999, VA released an epidemiological study on women Vietnam veterans which found a “statistically significant increase in birth defects” in the children of women Vietnam veterans, particularly moderate to severe birth defects. The reproductive outcomes of over 4,000 Vietnam women veterans were compared with 4,000 Vietnam-era women veterans.

VA currently has authority to compensate veterans and dependents for disease or injury of the veteran due to service. VA was given special authority in 1996, to provide benefits to children of Vietnam veterans for their own disease resulting from their parent’s service—for those children born with spina bifida

LEGISLATION

This bill would apply to women Vietnam veterans’ children born with birth defects (other than spina bifida) which result in permanent physical or mental disability, except for birth defects determined by the Secretary of VA to result from familial disorders, birth-related injuries, or fetal or neonatal infirmities with well-established causes.

This bill is modeled after the 1996 spina bifida legislation.

It authorizes VA to provide or reimburse a contractor for health care delivered to the

disabled children for the birth defect and associated conditions. This health care would include home, hospital, nursing home, outpatient, preventative, habilitative, rehabilitative and respite care. It also includes pharmaceuticals and supplies required by the birth defect, such as wheel chairs, if appropriate.

It provides compensation from the VA to the children at four payment levels. The benefits would be for \$100, \$214, \$743, and \$1,272, depending upon the severity of the disability. Future cost of living adjustments would be indexed and based on the Consumer Price Index, just as other veterans' and Social Security benefits are adjusted.

This bill also authorizes VA to furnish the disabled children with vocational rehabilitation services. The services would include: VA provision of a training plan that is individually designed, accounting for the individual needs of the child; placement and post-placement services; and personal and work adjustment training. It may also include education at an institution of higher learning. The programs will generally run 24 months, but if necessary, the Secretary may extend the program for an additional 24 months.

The legislation would be effective one year after the date of enactment, in order to allow time for regulations to be established.

VA estimates that the costs for this legislation would be approximately \$25 million over five years.

By Mr. MOYNIHAN (for himself, Mr. COCHRAN, and Mr. FRIST):

S. 2498. A bill to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii; to the Committee on Rules and Administration.

LEGISLATION TO AUTHORIZE THE SMITHSONIAN INSTITUTION TO CONSTRUCT A BASE FACILITY IN HILO, HAWAII

• Mr. MOYNIHAN. Mr. President, I am pleased to introduce today, with Senator COCHRAN and Senator FRIST, legislation to authorize the construction of a base facility structure in Hilo, Hawaii, to house the staff and laboratory operations of the Smithsonian Astrophysical Observatory's Submillimeter Array (SMA) atop the summit of the ancient volcano Mauna Kea.

The advanced SMA is an array of eight moveable radio telescope antennas. Its combined images can produce high-resolution detail 50 times sharper than those achieved by any telescopes currently making observations at these wavelengths. Ultimately, this telescope array will be used to study a host of astronomical objects and phenomena emitting images in the submillimeter range, the narrow band of radiation between radio and infrared waves, a portion of the electromagnetic spectrum largely unexplored from the ground. Using the latest technology, the array will be able to probe the murky clouds of the Milky Way where stars are born, peer into the hearts of exploding galaxies, study cool faint objects of our

own Solar System, and explore other great questions in astronomy, gaining insight into the processes and cataclysmic forces involved in the ultimate formation and evolution of stars, planets and galaxies.

Like the innovative Chandra X-ray Observatory, which is now sending back stunning images from space, essentially all of the Submillimeter Array's equipment was designed and prototyped at the Smithsonian Astrophysical Observatory's facilities in Cambridge, Massachusetts. And, just as the Smithsonian collaborates with NASA on the groundbreaking Chandra project, it collaborates with the Institute of Astronomy and Astrophysics of the Academia Sinica of Taiwan on the advanced SMA.

On September 29, 1999, by tracking and observing 230 gigahertz (230 billion cycles per second) of radiation from Mars, Venus, Saturn, and Jupiter, SMA scientists made their first test observation—thereby achieving the submillimeter equivalent of “first light”—and took a critical step in the ultimate success of this project. This is but yet another milestone in the history of the Smithsonian Astrophysical Observatory (SAO). Founded in 1890 by Secretary Samuel Langley as a center for “the new astronomy,” where one might study the physical nature of astronomical bodies as well as their positions and motions, SAO pioneered studies of the relationship between the solar and terrestrial phenomena. In the earliest days of the Space Age, SAO established and operated a worldwide network of satellite-tracking stations, including one on the island of Maui, and developed experiments for some of the first orbiting space observatories. Today, SAO, the Smithsonian unit with the largest budget, is headquartered—in a partnership with Harvard University—in Cambridge, Massachusetts. At that facility more than 300 scientists are engaged in a broad program of astronomy, astrophysics, and earth and space sciences supported by Federal appropriations, Smithsonian trust funds, Harvard University funds, and contracts and grants. In addition to the Submillimeter Array in Hawaii, SAO maintains a major data-gathering facility at the Whipple Observatory near Tucson, Arizona and operates the Oak Ridge Observatory in Massachusetts.

The legislation I am introducing today authorizes the Smithsonian to plan, design, construct, and equip approximately 16,000 square feet of laboratory, administrative, and support space at the base of Mauna Kea, replacing inadequate, temporary leased space. It further authorizes an appropriation of \$2,000,000 in fiscal year 2001 and \$2,500,000 in fiscal year 2002. This is a very modest investment to ensure the continuation of the scientific achievement and research excellence that have been a tradition at the

Smithsonian Astrophysical Observatory for 110 years.

I urge the speedy passage of this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FACILITY AUTHORIZED.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Board of Regents of the Smithsonian Institution to carry out this Act, \$2,000,000 for fiscal year 2001, and \$2,500,000 for fiscal year 2002, which shall remain available until expended.●

• Mr. COCHRAN. Mr. President, I am pleased to join my colleague, the Senator from New York (Mr. MOYNIHAN) and fellow Smithsonian Institution Board Regent in introducing the legislation authorizing a permanent base facility structure at Hilo, Hawaii for the Smithsonian Astrophysical Observatory Submillimeter Array.

The Submillimeter Array is part of the world-class web of major data-gathering facilities of the Smithsonian Astrophysical Observatory. Other facilities are located in Arizona and its headquarters in Massachusetts. Together these facilities support some of the world's most advanced studies and discoveries in astronomy, astrophysics, earth and space science.

This legislation will authorize the planning, design, construction and outfitting of the necessary laboratory and other operational space for the array of radio telescope antennas installed atop the ancient volcano, Mauna Kea. Funding is authorized in the amount of \$2,000,000 for Fiscal Year 2001 and \$2,500,000 for Fiscal Year 2002. The new base station will replace a current system of rented, overcrowded space shared with astrophysical operations of other organizations and countries.

Mr. President, I am proud of the Smithsonian Astrophysical Observatory 110-year history and its reputation around the world. Its work and discoveries are considered to be some of the most significant of the Twentieth Century. From the first orbiting space observatories to the newest images of our galaxy, the Smithsonian Astrophysical Observatory has worked independently and collaborated with the National Aeronautics and Space Administration to explore and explain the wonders of the universe.

I hope the Senate will work quickly to pass this legislation so the work of the Submillimeter Array can proceed.●